Previous references.

✓

190

(Sep Rev.)

Later references.

File No. 9 of 1903-0

Serial Nos. 1—4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—4

Part B. for

SUBJECT.

Sale of Bagni Toddy shops in the Koppa Taluk. Irregularities connected with the —— and Govt. dissatisfaction with Dy C.D. Ramaswamy's proc in the matter and remission of Kists for July and August 1902.

Sl no 1. From the Excise Commr in Mysore. no 7406/503 dt 8/9. 6. 1903.

Submits copy of communication from the Deputy Commr Kadur forwarding petitions with its original enclosures, and recommends that under the circumstances stated by the Dy Commr the sum of Rs 165/- may be written off the accounts in favour of Gonda Pujari and Basappa Pujari licensees of certain Bagni toddy shops in the Koppa Taluk for the years 1902-03

G. R. S. 58

Sl 2. To the Excise Commr in Mysore no 120/94 dt 6.8.03.

Returns the enclosures for reference & return herewith and requests him to obtain and submit to Govt an explanation from the Asst Comr who conducted the Sale as to why he did not accept Abdul Razak's offer on the 21st June 1902. and to call upon the Asst Comr to show cause why he should not make good the loss caused by his Govt by his extraordinary proceedings.

No 3. From the Excise Commr in Mysore - No 7904/310 Dt 23/7 4.1904

Forwards the explanation of Mr C. D Narasimmaiah Asst Comr received from the Deputy Commissioner

No 4. To the Excise Commr in Mysore No G.Pro. Ft 72 & 1902-7.04 Dt 7.7.04

Passes Orders on the remission of fine of Govt and Receipts Register, licenses of Mysore Taluq & Copy of the Tariff Table for 1902-03 with a view to ascertain from the Asst Comr that Rules and procedure in the case.

S. R. 9 of 1903-04

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink

‡ **Subject.** Letter No 7984/310 & 23/28 dt April 1904 from the Excise Commissioner in Mysore, forwarding in reply to this Office No 120/n & 6.8.'03, the explanation of Mr. C. D. Ramaswamiah (Asst. Supdt of Police) the Officer who conducted the Excise Sales of 1902-03, called for in connection with Excise Commr's recommendation for orders the writing off the accts. the sum of Rs 16; re-

Flag A

Note. coverable from Gonkra Pujari and Banabha Pujari, licensees of certain Bagaw toddy-shops in the Koppa Taluk during 1902-03

Note.

1. No Office note appears to have been prepared when first this case was dealt with in the Secretariat, as the copy of the Kadur Dy. Commr's letter to the Excise Commr, forwarded with the Excise Commr's recommendation above referred to, lucidly explained the facts of the case. So, a draft Proceedings alone seems to have been submitted to the Asst. Secy. for approval. Upon this draft notes have been made by the Secretariat

Flag B.

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

Secretariat Officers, the Councillor and the Dewan. As directed in their note their Office No 120/24. dt 6.8.'03 was sent to the Excise Commr.

~~A copy of explanation of the Board.~~

~~Memorandum forwarded under Cover of this letter~~

2. The following facts disclosed by Mr. C. D. Ramaswamiah's explanation, forwarded with the letter under disposal, are noted for consideration:—

A. The facts of the case as set forth by Mr Ramaswamiah agree in the main with those given in the Deputy Commr's letter to the Excise Commissioner.

B. Mr Ramaswamiah states

(a) that he is not to blame in this matter, that he has done all that lay in his power to do, in the interests of Govt. and behaved just as any other Officer in his position ~~and Commissioner~~ would have done.

(b) that the present loss to Govt. is entirely due to the delay and carelessness on the part of

the Amildar (Rao Lakshmana Sastri) of the Taluk

C. His charge is supported by him by the following Statements:-

Paras 2 & 5. Ex. 2 + 3. Hag. C. (a) The Amildar & the Excise Inspector assured him that there was combination among the bidders and that they would strive to obtain good bids, but did not do so.

Para 8. p. 7. Hag. C (b) ~~The~~ The Amildar did not take energetic steps to notify the date of the 2nd Sale to the two Darkhastdars, as directed in the Dy. Commrs order no 1875 of 12. 5. 02, which in fact does not seem to have come to the Amildar's knowledge at all.

Para 6. I. p. 5 Hag C. (c) The Amildar did not mention to him on the date of the 2nd Sale the receipt of Abdul Majid's Darkhast of 15. 5. 02.

Para 6. II. p. 6 Hag C (d) The Dy. Commissioner had ordered him (Rao Ramanuja Naidu) to sell the shops in the presence of both the Darkhastdars and as one of them was absent at the 2nd Sale, he had not knocked down the shop to the Darkhastdar who was present.

Q 2

D. The following points serve to show how

how far these statements are borne out by the records of the case.

(i). Statement (a).

The records show that there were no fair bids for the shops concerned at the 1st Sale. The existence of a combination among the bidders is also shown to have been probable, but not proved. Seeing the low bids at the 1st Sale it is quite probable that the Excise Inspector and Amildar promised to secure good tenders.

(ii) Statement (b).

The amildar seems to have taken the necessary steps to ~~notify the~~ inform the two Darkhastdars of the 2nd Sale, but as they had gone to their native place in South Canara, his notices did not reach them. Mr Ramaswamiah states in his explanation that the Amildar & the Excise Inspector informed him before the 2nd Sale that the 1st Darkhastdars, the Pujaris, were absent from Kabbatalu, having gone to South Kanara. The Amildar

facts were reported by the Amildars
Ans. E to the Deputy Commr. on the 1st July '02.
In this Report the Amildar says "even
though one of the Barkhasts is confirmed
it is not possible to serve notice of
confirmation on the unsuccessful bar-
-khastdars (the Pujaris)" This was
probably due to the severity of the
monsoon in the Malnad about
in the months of June, July and August.
Ans E Even a registered notice issued by the
Amildar in August was not successful
in securing the presence of the Barkhast
dars on the date of the 3rd Sale.

(iii) Statement (C).

Para 5. Page 6. Ans C. A contradiction of
this is contained in the Ramasamia-
miah's own explanation. He says
"I requested the Amildar to send for
the Pujaris and ascertain from them
whether they are prepared to bid over
Lignificant. and above Abdul Majid's bid &
then submit a report". Again "both
the Amildar & the Special Inspector told
me that the 18 Barkhastdars were ab-
sent from Kabba Taluk, having gone
to their native place in South Canara
& that they (the 18 Barkhastdars) were not aware of Abdul
Majid's Barkhast &c". Besides,
the Ramasamiah ought to have

Known of Abdul Majeed's Darkhast,
as Abdul Majeed's telegram was received
by the Deputy-Commr. and the Ra-
manavamiah conducted the sales
under the orders of the Deputy-Commr.
This matter must have been brought
to his notice by the District Cutcherry Clerk
or ~~Interpreter~~ a perusal of
the records would have enabled
Mr. Ramanavamiah to discover
this fact for himself.

Mr. Ramanavamiah has in his
Explanation referred at great length
to the non-submission by the Amildar
of a report as to whether the Papers
were prepared to bid over and above
Abdul Majeed's Darkhast:

There is nothing to show that; as
stated, the Amildar was requested
to make such a report: Mr. Ra-
manavamiah states that his in-
structions were verbal and to corro-
borate this statement refers to a
reminder issued by him to the Amildar
on the 11th July, which he says
referred to the report in question. But,
On an examination of this reminder
it is ascertained that no reference
at all is therein made to the report
or the verbal or any instructions of Mr. Ramanavamiah

that he did not accept Abdul Hayd's
offer in the hope that the auctioneer
will bring other bidders into the
field & that better prices will be
obtained for the shops.
In the light of what had occurred at
the first sale (when there were no bids)
& subsequently up to the date of
the second sale, it is not clear that
this hope was based on any
reasonable grounds. Taking further
into consideration the fact that the
2nd sale took place on 21/6/02
i.e. 9 days before the close of the
year & the necessity for concluding
the sale within the close of the financial
year, the Asst Govr cannot be
considered to have exercised an
sound discretion in letting the
matter slide. The Collector & the
Sub Asst Collector should be

15/5/04

1457

Submitted to the Divisional
Commissioner through the 1st Councillor
25/5/04

The case is a clear one, and the Appellant Commissioner committed a grave blunder - There were no evidence at the 1st sale held on 22/4/02 - A second sale was ordered for 21.6.02 - Meanwhile, two Bankshalls were received on 3/5/02, the first from Gaukra Bujan offering Rs 92-8-0 & the second from Abdul Magid offering Rs 87-11-0 - Both the Bankshalls were ordered to be kept with all the lime of the sale held on 21/6/02 - The Officer to be conducted the second sale was then Appa Rao C. D. Ramaswamaiya. Both the Bankshalls were absent at that sale, & there being no other higher bidders his clear duty was to have accepted Abdul Magidi offer which was higher than that of Gaukra Bujani and closed the sale proceedings. Instead however, of doing so he called for an explanation & opinion from the Amildar who on 18/7/02 recommended a fresh sale - The Dy Commr rightly found fault with the Appl Commr but could see no

alternative but to direct that both the Bankshareholders be served with notices asking them to appear on a date to be fixed for the purpose that the offer of either of them, as approved, be accepted and that in default of both appearing, the offer of the first Bankshareholder who had deposited three months rental, be accepted. Neither of these persons having appeared pursuant to notice the first Bankshareholder Ganpat Rupani offer was accepted on 20/8/02 & he received due intimation of that acceptance on 4/9/02. There was thus no dispute in the months of July and August/02, & Ganpat Rupani duly paid his 1/05 claim & permission of the amount demanded from him for those months. The Appellants decision was unreasonable & unjustifiable an explanation is unsatisfactory. It is absurd for him to contend that on the date of the second sale he was not aware of Abdul Majid's offer which was higher than that of Ganpat Rupani since the correspondence shows beyond all doubt that he was fully cognizant of it. The Bankshareholder

management of the year 1902/03
he was fast approaching and
he ought to have come to a
decision at once & the only
proper decision for him to have
come to was that Abdul
Majeed offer & should be
accepted and the transaction
closed - His attempt to
speculate himself at the expense
of the Amultar in future and
miss - he held to have failed.
His friends can know that
no exemption can be claimed
as July and August are months
in which there is no demand for Bagasse
to dry cannot exceed nineteen
as the base fixed a months
rental irrespective of whether
any particular months or
months were more favorable
to the lessee than others - The
exemption claimed must be
granted & the lot knocked
down to Govt at closing
the outcome of the Ramaswami
Iyer's intervention and intervention -
Shortly & briefly, he ought to
be called upon to make
good the loss - As however he
seems to have relied bona
fide in doing what he considered was

The case is a clear one, and the Assistent Commissioner committed a grave blunder. There were no bidders at the first sale held on 22-4-1902. A second sale was ordered for 21-6-02. Meanwhile, two darkhasts were received on 3/5/02, the first from Gankra Pujari offering Rs82-8-0 and the second from Abdul Mazid offering Rs87-11-0. Both the darkhasts were ordered to be dealt with at the time of the sale to be held on 21/6/02. The officer who conducted this second sale was Mr. Assistant Commissioner C.D.Ramaswamaiyya.× Both the darkhastdars were absent at that sale and there being no higher bidders his clear duty was to have accepted Abdul Mazid's offer which was higher than that of Gankra Pujari and closed the sale proceedings. Instead, however, of doing so, he called for an expression of opinion from the Amildar who on 18/7/02 recommended a fresh sale. The Deputy Commissioner rightly found fault with the Assistant Commissioner but could see no alternative but to direct that both the darkhastdars be served with notices asking them to appear on a date to be fixed for the purpose, that the offer of either of them should be accepted and that in default of both appearing, the offer of the first darkhastdar who had deposited three month's rental, be accepted. Neither of these persons having appeared pusuant to notice, the first darkhastdar Gankra Pujari's offer was accepted on 20/8/02, and he received due intimation of that acceptance on 4/9/02. There were thus no shops

Sale
× Abdul Mazid was present
30/5/04

shops in the months of July and August 1902, and Gankra Pujari rightly claims a remission of the amount demanded from him for those months. The Assistant Commissioner's indecision was as reprehensible as his explanation is unsatisfactory. It is absurd for him to contend that on the date of the second sale he was not aware of Abdul Mazid's offer which was higher than that of Gankra Pujari, since the correspondence shows, beyond all doubt, that he was fully cognizant of it. The commencement of the year 1902/03 was fast approaching and he ought to have come to a decision at once and the only proper decision for him to have come to was that Abdul Mazid's offer should be accepted and the transaction closed. His attempt to exculpate himself at the expense of the Amildar is futile and must be held to have failed. His further contention that no remission can be claimed as July and August are months in which there is no demand for Bagani toddy cannot succeed inasmuch as the lease fixed a monthly rental irrespective of whether any particular month or months were more favorable to the lessee than others. The remission claimed must be granted and the loss thus occasioned to Government is clearly the outcome of Mr. Ramaswami Iya's indiscretion and indecision. Strictly speaking, he ought to be called upon to make good the loss. As, however, he seemed to have erred bona fide ~~in doing that which he considered to be productive to~~ and acted according to his best lights of Government interests, I would recommend that he be excused with a severe reprimand.

I put the orders ... a recurrence of such unsatisfactory proceedings will be scrupulously guarded against - C.S. 28/5/04

Subd to the Dewan HH
30/5/04

18033
30.V.04

19th

I agree - with regard to your remarks - should glad to see the word as it now stands - correct abuses from dealing with cases of strikes & combinations when their judgment & discretion should be given free scope Here the mistake lay in the fact that the contract was not strictly observed & work the matter was left for the settlement year which ought to have been prevented. The other - broken by such abuses must be prevented & this altogether from any kind of time as in this case -

HH
31.V.04

Office
Please show me the draft
HH 2/6/04

Draft subd to the Dewan through the 1st Councillor
HH 7/6/04

Rd 7.6.04

Draft put up.
Mi. 6.6.04 Subd to the Secy

Draft Arabic [illegible] Vakeel
letter number & dated

7/6/04.

Submitted to the Dewan
7/6/04

18224
6.6.04

Another draft including the
paragraph noted by the Dewan
is submitted.

Sent
18/6/04

appeared ~~in~~ pursuant to the notice, the offer of the 12 Dankhastdars, Gonkara Pujari & Basabha Pujari, was accepted on the 20th August 1902 and they received due intimation of that acceptance on the 4th September 1902. There were thus no shops in existence during the months of July and August 1902 and the Pujaris therefore claim a remission of the amounts demanded from them for those months.

2. The claim of the Pujaris appears to be a just one. ~~Hon~~ Ramanamiah's ~~decision~~ explanation is unsatisfactory. ~~This~~ ~~appeal must be allowed~~ and ~~the~~ ~~order~~ ~~reversed~~. ~~Hon~~ ~~remand~~ The year 1902-03 was fast approaching and he ought to have come to a decision at once. The only proper decision for him to have come to was to accept Abdul Rajab's offer and close the transaction. His contention that no remission can be claimed as ~~the~~ July and August are months in which there is no demand for Bajani Taddy, is not valid, inasmuch as the lease fixed a monthly rental irrespective of any particular month or months favourable to the lessee than others. The remission

claimed

claim ~~must be enacted~~ cannot be refused in accordance with law and usage.

The Govt has announced to Government ~~is~~ clearly a decision adverse to the interests of the Ra-mananjiyya. However, he will not ~~Cannot~~ be held responsible for it, as he seems to have acted bona fide and acted according to his best lights in the interests of Government.

3. The dissatisfaction of Govt with the Ramanandas proceedings in this case will be communicated to him.

~~The dissatisfaction in this connection is viewed by Government with dissatisfaction and it is hoped that a message of such unsatisfactory proceedings will in future be scrupulously guarded against.~~

The remarks in my note have not been incorporated at all & would add the following para —

It is not necessary to say that I am from acting freely in accordance with their judgment and discretion which must be exercised well & be when they have respect to the and considerations — In the case under note the Govt considered it best to ~~proving~~ the sale so as not to conclude it before the next year without the sale referred actually considered — particular care should be taken by that the amount taken by the selling Officer should

Yll
Offg. Secretary
9.VI.04
To
The Special Commissioner in Mysore
The Comptroller in Mysore
The Deputy Commissioners of Districts.

Print.

Net result in revenue sales of wild during any particular year with

Yll 13/6 9.VI.04

No. 201
Enc: 1 Ver: file.

Enclos to P. 201/1902—1903. Deputy Commissioner's Office
Kadur District.
Dated 2 3/4 June 1903.

(1a)

From,

M. Narayan Rao Esquire,
Deputy Commissioner,
Kadur District.

To,

P. L. Purnaiya Esquire,
Excise Commissioner,
in Mysore.

Sir,

Adverting to your Official Memo: No. 7057/118 of the 18th May 1903, requesting the submission of a remission Statement with report as to the cause of delay in issuing confirmation notices to Gowkra Pujari, the farmer of certain Bagani toddy Shops in the Koppa Taluk for 1902—1903, I have the honor to State as follows:—

2. Several bagani toddy shops in the Koppa Taluk having remained unsold for want of bids at the first sale, held on the 22nd April 1902, it was ordered that they should be put up

to

to auction again on the 21st June 1902.
Meanwhile, 2 darkhasts dated 3.5.1902
and 13.5.1902 were received from
Gopukra Gujari and Abdul Majid
offering a monthly rental of Rs. 82-8-a
and 87-11-a respectively for the marinally
noted shops and they were reserved for
disposal during the second auction.
The 2nd darkhastdar Abdul Majid
alone was present on the 21st June 1902,
Assistant Commissioner Mr. C. D. Ramaswami
Ayah, who conducted the sale called
for the opinion of the Amildar as to
whose bid out of the two above-
-mentioned should be accepted.
In reply the Amildar on the 18th July 1902
recommended the disposal of the
said shops by means of another
auction. The following order was
thereupon passed by Mr. Krishnamurthy, the
then Deputy Commissioner on the 22nd
July 1902. "It is to be regretted that
the sale conducting officer did not
finally

1. Koppa,
2. Harnadoor,
3. Talemakki,
4. Kasaba,
5. Kelakuli,
6. Kunchur,
7. Narsipura,
8. Somlapura,
9. Nuggi,

pay it as he was put in possession of the shops only in September 1902.

5. Under these circumstances, I beg to recommend that the sum of Rs. 165/- shewn against Goukrapujari may be written off the accounts.

6. A remission Statement in the prescribed form is herewith forwarded together with the Kanada records connected with the case.

I have the honor to be,
Sir,
Your most obedient Servant,
(Sd) M. S. Narainrao.
Deputy Commissioner
Kadur District.

"Copy"

For Excise Commissioner
in Mysore.

Mysore Chief Secretariat S.R. 7 no 9 of 03-04 Sl 2 (2) 7.

Chief Sec. Secretariat **Office Draft.** (Docket.)

~~Mysore Dewan's Office~~,
Excise Branch.

To The Excise Comm^r in Mysore

Date of passing the draft 1/2/04.
Date of despatch 6/8/03

Regd. No. 120
File No. & date (if any) Ex

No. of Encls. 1 Statement

Lee Comm^r

His letter no 7406/503 of 8th Dec 03, submitting an application, a memorandum & Statement for Rs 1605/- being the rental for two months in favor of Conkina Perjani & Basappa Perjani licensees of Cardamom Bagani toddy shops in the Kaspa Taluk for the year 1902-03.

Requesting the enclosures for prompt and favorable disposal.

that the Earl of Comyn will be good enough to declare in Council an explanation from the said Comyn, who conducted the treasure so lately, did not accept about 9 hundred pounds or the 24th part or 2. If he had done so, the question would [Comd] have been in which from 18 pounds accounts have been for recommendation / from a pension.

The said Comyn should also be called upon to show cause why he should not make good the loss [Exchequer] Court by his misconduct & [illegible]

B.C.

Dues 578

10 Dec

Exam 11/8/03 Exam 11/8 Sheriff 5/8/03

December 1903 and 8th ultimo respectively.

I have the honour to be,

Sir,

Your Most obedient Servant,

K. G. Gopalacharlu

For Excise Commissioner

in Mysore.

1903-04. 3/C

From

C. D. Ramaswamiah Esqre.,
Assistant Superintendent of Police,
Kadur District.

To.

M. Narain Rao Esquire
Deputy Commissioner
Kadur District.

Dated 12th. February 1904

No. 293

In reply to his Official memorandum Excise No. 999 dated 6th January 1904 forwarding copy of Excise Commissioner's No. 5188/76 dated 13th. December 1903 regarding the sale of Bagani toddy shops in the Koppa Taluk, has the honor to state that the assurance given by the Amildar, and the Excise Inspector and the instructions given to them were verbal at the time of the sale on the 21st of June 1902. Therefore there are no papers connected with that. They having failed to report in the matter before the end of June, a reminder in writing was sent on the 1st July, which is with the Kanarese papers already forwarded with his letter No. 74 dated 18th September last.

/sd/ C. D. Ramaswamayya
Assistant Superintendant of Police
Kadur District.

"Copy"
M Narain Rao
Deputy Commissioner

No: 74

From.

C. D. Ramaswamiah Esquire
Assistant Superintendent
of Police Nasu District.

M. Narain Rao Esquire
Deputy Commissioner
Nasu District.

Sir,

I: In reply to your Official memo No 308 dated 26th August 1903 forwarding copy of Government order No 120 dated 6th idem with papers relative to the remission of Rs: 165/- being the amount of Bagani rental for July and August 1902 due by Gonga paigasi and Baeappa paigasi for the 10 shops noted in the margin of the 2nd para and calling upon me to explain why I should not be charged the loss sustained by Government by my not accepting Abdul majid's offer on the 21st June 1902, I respectfully beg to submit that I am not to be blamed in the least and that any officer in my position could not have acted

1. Nalapad
2. Veerapur
3. Palamanthi
4. Rasanur
5. Kolakuli
6. Hanjoor
7. Narainpura
8. Huggi
9. Somlapura
10. Benagadur

[illegible] [illegible] [illegible]
in the district of [illegible] [illegible].

2. The annual license fee for the above
Shops in the year 1901-02 was Rs: 116-12-0.
There were no paper sheets to these Shops
on the first Saturday that was on the
22nd April 1902. Both the Amildar &
and the Excise Inspector told me
that there was Combination among
the tobacconists and that they would
buy and Licence paper sheets for these
and other Shops and Submit them
for Confirmation.

3. 13 days afterwards, on the 3rd March
the Ponga Manjani and Kuatan [illegible],
Rangpur Panjatis jointly sent in an
Application to the Excise Inspector
offering (Rs: 82-10-4 per Annum for
these 10 Shops and the same was Sub-
-mitted to the Deputy Commissioner
by the Amildar on the 9th idem with
his No 129. Knowing this fact one
should naturally send a telegram to the
Deputy Commissioner on the 12th
of the same month praying to defer
Confirming

Confirming the sale of the Pujaries and promising to send tender through the proper channel. Upon this he was informed by wire that the Confirmation was delayed and that he should expedite the Submission of the Darkhast.

4. On the telegram of Abdul Majid and also in reply to the Amildar's report No 129 Submitting Poojaries Darkhasts for Confirmation, Order No 1875 dated 12th May was sent informing him that the Sale Commencing officer would be coming in June and that he would dispose of these Darkhasts personally.

5. Accordingly I went to Koppa on the 21st June and sold some other Shops for which there had been no bids on the 1st sale day and regarding the 10 Shops in question, as both the Amildar and the Excise Inspector told me that the first Darkhastdars (Gowda Pujaris and Banaspeta Pujaris) were absent from Koppa Taluk, having gone to their native place in South Canara

Cannot and that they were not aware
of Abdul majids' Darkast and
also the date of the 2d Sale and as
they also remarked me that the Com-
petitions would be very keen if
these shops were recorded in their
presence. I requested the auditor
to send for the Papers and ascertain
from them whether they are prepared
to bid over and above Abdul
Majids' bid. and then submit a
Report. Secondly I could do nothing
in the matter during the absence of
the 1st Darkastdar and more especially
when they had no notice of Abdul
Majids' bid or of the 2nd Sale.
I waited for the perusal of the report
of the Auditor, till the end of the
month but as he did not send it,
I sent reminder no 1 on the 15th July
and after that the correspondence
never passed through me. However,
I learnt from the Excise clerk,
Subsequently, that upon the report
of the Auditor the Deputy Commissioner
deem fit

permitted him to hold a sale in presence of both the bidders as he expected an increase in the rental of the Shops.

6. The above is the history of the case till it left my hands. And now with regard to the question put in the Secretary's Docket No 120 dated 6th August last enquiring as to why I did not accept Abdul Majid's offer on the 21st June '02 I beg to state that the following are the reasons for my not doing so:—

I Abdul Majid's offer dated 15th May 1902 offering Rs: 87-11-6 per annum for the above 10 shops was not brought to my notice by the Amildar on the date of the 2nd Sale.

II The Amildar and the Excise Inspector as mentioned above, advised me that there would be a higher bid if both the Bidders were present and that Gangaprajari and his partner were absent from the place and that the Amildar would do his bidful to secure the Government a higher rental.

III

9 VII the consideration sufficient time to do so & I was before the close of the year

the spirits commissioners address to all those Shares influences applications.

I The first Question we have therefore to answer is entitled I have a Right of the 2nd vote and Right was unfortunately first denied on both sides. Those shares would still have been counted for them to Right the spirits Commissioners and each higher Resolution with a higher Seal in the Seal of the Resolution of having lost the Shares.

VII The Shares were not Value lost to accept any thing and everything that was offered. Those who Refused higher, until the year January and my objection was to see so much necessity as was possible.

VII There was no other Competitors besides the above.

For these reasons I could not

Sell

sell these Shops on the 21st June or accept Subsequent bids.

7. I send herewith the Correspondence which you kindly sent me with the above memo and beg to bring to your notice that the present loss to Government is entirely due to the delay and carelessness on the part of the Amildar (Mr. Lakshman Swamier) of the Taluk.

8. There two Rentaldars were present at the 1st Sale and purchased some other Shops and did not bid for these Shops, but when one put in an application for them the other approached the Deputy Commissioner with a pre-paid telegram giving hopes of a higher Rental. These facts clearly indicate that there was Combination on the first Sale day. Thus it was the duty of the Amildar or the Excise Inspector to break the Combination and take such steps as were necessary without loss of time to secure good revenue to Government

[illegible] the Second, he [illegible] in the present
[illegible] the Builders Societies do not
[illegible] to [illegible] [illegible] [illegible]. [illegible]
No 18 5 Mile End Road, 1802 [illegible]
the Builders office on the 15th Inst.
did he be [illegible] [illegible] [illegible]
to go before him, before the date
of the Second Sale, which was held
on the 21st June [illegible] Wednesday
- [illegible] that the Builders neither Second
- the Freeness of all the Builders and
- that date was intimated to them by
Means of a Notice the Date of the
Intended Second Sale and therefore
[illegible] was unable to Signe of the
Partnership Deed by the Builders
Committee. The other Builders
declared to [illegible] not Seem to have
Granted the Loan of the Builders
because it does not bear his initial
Letter. The Tabel Seems to have
been Signed by the Head Surveyor
or Some official and the exact
Letter to the Builders Apartment
and here is Ship to Show what
Further Steps were taken in the Matter

for

for a period of nearly one month and twenty days, ie, till the receipt of my reminder No 1 dated 1st July, and even then they did nothing beyond preparing that both the Applicants were absent from the place and that if the Shops were resold in their presence there was likelihood of getting higher bid.

But why did Mr. R. not issue a reminder earlier? X

On give this reply it took the Accountant nearly 15 days and it could have been done much earlier. This report though it was a reply to my reminder, did not come to me, but went to the Deputy Commissioner, who passed a remark regretting that I did not finally dispose of the matter when I was in Rapar on the second occasion and authorizing the Accountant to hold the Sale in presence of both the applicants. If this report had passed my hands as I would have certainly brought the above delay and negligence of the Taluka authorities to the notice of the Deputy Commissioner and recommended the acceptance and confirmation of Ahmed Mangi's tender, which would have not only secured Rs: 62-4-0 more, but would have avoided the present loss of Rs: 165/- to Government.

The Records show that there was no unreasonable delay. Sec. Flor. H.

The

The order of the County Commissioners
has not been complied with and
I have not received from the
Water Company their report,
otherwise, I should have explained
the circumstances which have caused
the non-disposition of the matter
while I was in possession the Second
petition.

Q. The Builder's Register's
notices on the application and Plans
of Messrs Bennett to have buildings
on the Estate of the late Mr. Bennett,
I should wish sent in a petition to
the Builder stating that if his Water
was accepted he was prepared
to guarantee the delivery of the
Quantity required and the Builder
objected the Water on the Ground
that application to the County Commissioners
had commenced the Question
that had been suggested by the
Deputy Commissioner and the same
was confirmed on the 20th Inst.

At once the Duty of the Water Co.
Committee to have seen that the
Water Mains for the intended Shops
were

were disposed of before the Com-
mencement of the next official year.
But may did nothing in the matter
for months together though sent in
a reminder being mindful of the loss
which the Government and the Contractor
would sustain

11. The Sale Conducting officer will
have to depend upon the Auildars
and other Excise Officers to devise
proper kinds, to ascertain the Solvency
of the bidders and for any information
connected with the same If all the
preliminaries for the Sale had been
done by the Dalals or Brokers, certainly
the Sale Conducting Officers would do
their duty best if Dalals or Brokers
failed to do them, The latter will be
entirely helpless in the matter.

12. Generally the bidders in the
Abkari Sale, after paying the deposit
money are themselves anxious to get
their bids Confirmed before the
Commencement of the official year
So that they may apply for trees and
prepare

[illegible] for sale on the
1st [illegible] 20 months Three Sales
[illegible] three weeks or a
month [illegible] to the Commence-
ment of the Year to allow time
to the Collectors for the above
purpose. While such is the case,
I do not know how the Shopkeepers
for their Shops & Magazines to be
[illegible] even after a Sale on the
1st. August on which Rates the
Sale by the Assistant ought to
have been held.

13. Another fact which I beg
to bring to your notice is that
Pargana Tappy is not drawn
against the January Receipts of July
and August on their Pargana
Collectors Seem to have absented
from Pappa on that account
but the present Main Jamadarin
seems to have been an after thought

And

and the Police Authorities cannot
have by not binding them to pay
the rent for these two months while
handing over the shops to them.

4. The Vernacular file of Correspondence
is herewith returned.

I beg to remain
Sir
Your most obedient Servant
Sd/- L. D. Ramaswamiah
Assistant Superintendent
of Police Kadur Dist.

"Copy"

Chickmagalur
7th December 1903

Narasimha Rao
Deputy Commissioner
Kadur District

(4)

S.R. 7 no 9 of 0304 27
8 4

Mysore Govt. Gen. & Rev. Secretariat,
Excise Branch.

File No. (if any) and its date—

~~SR 1/0~~

Office Draft.

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Read:

Correspondence ending with the Excise Comm^r's letter no 7984/310 dt 23.4.02 forwarding the explanation of Asst C. D. Ramaswamiyya (Asst Supdt of Police), the Officer who conducted the Excise sales of the Koppa Dk for 1902-03, called for in connection with the Excise Comm^r's recommendation to sanction the writing off the accounts the sum of Rs 165, recoverable from Gonkra Pujari and Basappa ~~Rajaris~~ Pujari, licensees of certain Bagani Toddy shops in the Koppa Dk during 1902-03.

Order: no H 72-81/SR 9-03 dt the 8th July 04.

The sales of the Bagani Toddy Shops of the Koppa Taluk for the year 1902-03 were for the first time held on the 22nd April 1902. There were no bidders at this sale. A second sale was ordered to be held on the 21st June 1902. Meanwhile, two darkhasts were received on the 3rd May 1902, the first from Gonkra & Basappa Pujari offering Rs 82-8-0 and the second from one Abdul Hazid offering Rs 87-10-0. Both the darkhasts w

ordered to be dealt with at the time of the sale which was to be held on the 21st June 1902. The Officer deputed to conduct the second sale was Mr C. D. Ramaswamiyya, Asst Commr. One of the darkhastdars Abdul Hazid, was present at the sale and there being no higher bidders, the Asst Commr's clear duty was to have accepted Abdul Hazid's offer, which was higher than that of Gonkra and Basappa Pujaries, and closed the sale Proceedings. Instead of doing so, he called for an expression of opinion from the Amildar, who on the 18th July 1902 recommended a fresh sale. The Deputy Commr rightly found fault with Mr. Ramaswamiyya, but could see no alternative but to direct that both the darkhastdars be served with registered notices, asking them to appear on a date to be fixed for the purpose and that the offer of either of them who should appear, or, in case both did not appear, the offer of the 1st darkhastdar who had deposited 3 months' rental, be accepted. Neither of these persons, however, having appeared pursuant to the notice, the offer of the 1st darkhastdars, Gonkra & Basappa Pujaries

was accepted on the 20th August 1902 and they received due intimation of that acceptance on the 4th September 1902. There were thus no shops during the months of July and August 1902 and the Puyaries therefore claim a remission of the amount demanded from them for those months.

2. The claim of the Puyaries appears to be a just one. Mr. Ramaswamiyya's explanation is unsatisfactory. The year 1902-03 was fast approaching and he ought to have come to a decision at once. The only proper decision for him to have come to was to accept Abdul Hazid's offer and close the transaction. His contention that no remission can be claimed, as July and August are months in which there is no demand for Balam Dobby is not valid, inasmuch as the lease fixed a monthly rental, irrespective of any particular month or months proving more favourable to the lessees than others. The

remission claimed cannot be refused and is accordingly sanctioned. The loss thus occasioned to Government is clearly attributable to the indecision of Mr Ramaswamiyya. However he will not be held personally responsible for it, as he seems to have erred bona fide and acted according to his best lights in the interest of Government.

3. The dissatisfaction of Government with Mr Ramaswamiyya's proceedings in this case will be communicated to him. It is not the intention of Government to discourage officers from acting freely - in accordance with their judgment and discretion, which must be given full scope when they suspect strikes and Combinations. In the case under notice the Asst Commr erred in postponing the sale so as not to conclude it

sl 4 (4)

Proceedings of the Government of His Highness the Maharaja of Mysore, Excise, dated 8th July 1904.

READ—

Correspondence ending with the Excise Commissioner's letter No. 7984-310, dated 23rd April 1904, forwarding the explanation of Mr. C. D. Ramaswamayya (Assistant Superintendent of Police,) the Officer who conducted the Excise sales of the Koppa Taluk for 1902-03, called for in connection with the Excise Commissioner's recommendation to sanction the writing off the accounts the sum of Rs. 165 recoverable from Gonkra Pujari and Basappa Pujari, licensees of certain Bagani toddy shops in the Koppa Taluk during 1902-03.

No. Fl. 72-81—S. R. 9-03, DATED BANGALORE, 8TH JULY 1904.

ORDER THEREON.—The sales of the Bagani toddy shops of the Koppa Taluk for the year 1902-03 were for the first time held on the 22nd April 1902. There were no bidders at this sale. A second sale was ordered to be held on the 21st June 1902. Meanwhile two darkhasts were received on the 3rd May 1902, the first from Gonkra and Basappa Pujaris offering Rs. 82-8-0, and the second from one Abdul Mazid offering Rs. 87-10-0. Both the darkhasts were ordered to be dealt with at the time of the sale which was to be held on the 21st June 1902. The Officer deputed to conduct the second sale was Mr. C. D. Ramaswamayya, Assistant Commissioner. One of the darkhastdars, Abdul Mazid, was present at this sale and there being no higher bidders, the Assistant Commissioner's clear duty was to have accepted Abdul Mazid's offer, which was higher than that of Gonkra and Basappa Pujaris, and closed the sale proceedings. Instead of doing so, he called for an expression of opinion from the Amildar who, on the 1st July 1902, recommended a fresh sale. The Deputy Commissioner rightly found fault with Mr. Ramaswamayya, but could see no alternative but to direct that both the darkhastdars be served with registered notices asking them to appear on a date to be fixed for the purpose and that the offer of either of them who should appear, or, in case both did not appear, the offer of the first darkhastdar who had deposited three months' rental, be accepted. Neither of these persons, however, having appeared pursuant to the notice, the offer of the 1st darkhastdars, Gonkra and Basappa Pujaris, was accepted on the 20th August 1902, and they received due intimation of that acceptance on the 4th September 1902. There were thus no shops during the months of July and August 1902 and the Pujaris therefore claim a remission of the amount demanded from them for those months.

2. The claim of the Pujaris appears to be a just one. Mr. Ramaswamayya's explanation is unsatisfactory. The year 1902-03 was fast approaching and he ought to have come to a decision at once. The only proper decision for him to have come to was to accept Abdul Mazid's offer and closed the transaction. His contention that no remission can be claimed, as July and August are months in which there is no demand for Bagani toddy, is not valid, inasmuch as the lease fixed a monthly rental, irrespective of any particular month or months proving more favorable to the lessees than others. The remission claimed cannot be refused and is accordingly sanctioned. The loss thus occasioned to Government is clearly attributable to the indecision of Mr. Ramaswamayya. However, he will not be held personally responsible for it, as he seems to have erred *bona fide* and acted according to his best lights in the interests of Government.

3. The dissatisfaction of Government with Mr. Ramaswamayya's proceedings in this case will be communicated to him.

4. It is not the intention of Government to discourage officers from acting freely in accordance with their judgment and discretion which must be given full scope when they suspect strikes and combinations. In the case under notice, the Assistant Commissioner erred in postponing the sale so as not to conclude it before the year to which the sale referred actually commenced. Particular care should be taken so that the action taken by the selling officer should not result in preventing sales of toddy during any part of such year.

L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Excise Commissioner in Mysore.
The Comptroller in Mysore.
The Deputy Commissioners of Districts.

Exd—G.S.

1904-05

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

EXCISE

PROCEEDINGS

Dated 8th July 1904

No. Fl. 72-81
S. R. 9-03

Passing orders regarding the remission in favour of Gonkra and Basappa Pujaries, licenses of bagani toddy shops in the Koppa Taluk for 1902-03.

SBP—18-7-04—200